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SIMTEK5685 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants:	Tatsuya Anma Hideaki Takahashi
App. No.:	09/742751
Filed:	December 20, 2000
Title:	SINGLE-PHASE MULTIPOLAR MAGNET TYPE GENERATOR FOR VEHICLES
Art Unit:	2834
Conf. No:	6449

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Patent Office via fax to (571) 273-8300 and (571) 273-0125 on:
March 14, 2006
Ernest A. Beutler
Reg. No. 19901

STATUS LETTER AND REQUEST FOR COMMISSIONER ASSISTANCE

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Applicant's undersigned attorney again regrets having to ask the help of the Office of The Commissioner is initiating action particularly in this case because of circumstances which will be set out in detail below.

First applicants' attorney would like to introduce himself. I began my career as an Assistant Examiner in the USPTO on January 2, 1957 and was awarded an Outstanding Performance Award. Subsequently I was employed as a Staff Attorney in the Patent Section of the Legal Department of Ford Motor Company. From there I became a partner with Harness, Dickey and Pierce and opened a California Office for them in 1987. I joined Knobbe Martens in 1993 and retired from that firm with a retirement practice to the present. At each firm and at Ford, I was also in charge of the docketing operations and continued that operation for the Knobbe firm for a year after my retirement there to

bring a new system on line. In my years of practice I have issued over 4,000 patents for clients.

Although the Office has made many improvements over the years, there presently is a practice that causes me to believe that emphasis has shifted from improving the quality of Patents that issue to one of extracting maximum fees by issuing premature final rejections, forcing refillings because of inadequate searches, particularly on the first actions, This problem is particularly acute in the Art Unit handling this case, as evidenced by the prosecution history set out below.

A first Office Action was mailed on March 7, 2002, less than 14 months after the filing date. This was responded to in a mailing made June 19, 2002, with a one month extension. This led to a final rejection which was incorrectly dated March 7, 2002, later corrected to September 12, 2002, which was faxed on September 23, 2002, and in which the Examiner pointed out some objection to the disclosure that related to a specific relationship between the magnet poles and the armature coil cores.

Applicants filed a Notice of Appeal on October 8, 2002 and their Brief on Appeal in this case under a Certificate of Mailing, dated December 2, 2002. More than three months later on March 6, 2003, the Examiner's Answer was mailed.

In response thereto on March 13, 2003 appellants filed a request for an Oral Hearing. In checking the PARE records in February 2005 of this year to find if the Appeal had been docketed, the undersigned finds that a new and different Brief was mailed to his old address on December 22, 2004, some 20 months after the request for Oral Hearing. Those Pare records show the mail was returned as undeliverable, but the undersigned had obtained a copy from the Office Files and saw that the Examiner had after 21 months after his first brief filed a new one citing new and unsupplied art as well as changing in some regards his earlier position.

Now in spite of having called the Examiner's attention to the fact that Appellants' attorney filed the required change of correspondence address with the Office he finds that again a reply has been sent to that old address on April 15, 2005 in spite of the fact that the previous filing indicated that new address as does the previous mailing.

In response to this, the undersigned requested that the Examiner supply his authority for this highly unusual position in the light of no change in appellants' position and absent any apparent authority for such action. Also it was questioned whether appellants would be afforded an opportunity to further reply including the opportunity to either amend or file a substitute brief?

A reply of April 15, 2005 indicated that appellants could file another brief, but they would not be afforded an opportunity to amend without an objection to a " new issue" in view of the Examiner's citation of the Modern Dictionary for the first time in that new Answer. That paper was also mailed to the old address.

Also the allegation that the new Answer was required due to the necessity to have a conference is bogus. The first Answer of March 6, 2003 shows exactly the same conferees as the subsequent two filings.

A request for Supervisory Review of withdrawal of the New Answer was filed on June 7, 2005, but never has been answered.

Then on October 31, 2005 the case was remanded by the Board for response to applicants question, but that has not to this date been answered nearly 5 months later.

Respectfully submitted,

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